

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. The foregoing amendments are responsive to the August 1, 2007 Final Office Action. Applicants respectfully request entry of the requested amendments and reconsideration of the application in view of the following comments.

Response to the Claim Rejections Under 35 U.S.C § 103

Claims 4-6, 9-11 and 21-22 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,506 issued to Criss, et al. in view of U.S. Patent Publication No. 2002/0067504 to Salgado, et al. The rejection asserts that Criss allegedly teaches each element of the claims except for remotely receiving a recall command including a unique application identification, which is allegedly taught by Saldado.

The claims are directed toward a method and a server which issues a recall command for uninstalling applications on a wireless device in response to the remote recall command. The recall command includes a unique application identification for a targeted application, wherein the uninstalling of the targeted applications do not require end-user interaction wherein the uninstalling of said targeted application results in the application no longer functioning. The recall command determines whether one or applications on the wireless device should be uninstalled.

None of the cited art teaches or suggests receiving a remote recall command including a unique application identification for a targeted application over the wireless network or having the uninstalling of said targeted application result in the application no longer functioning. This allows specific identification and removal of targeted applications to be controlled by someone other than the end-user. Applications may need to be uninstalled for they are no longer

functioning (*not merely upgraded*) for a variety of reasons, including harmful bugs and viruses, license expirations, etc. and these can be monitored and determined by persons or entities involved with the development and/or issuance of the program and/or those involved with the function of the wireless network (see specification, paragraph 0010 and 0011). Thus, in the present invention, a network operator can determine that a program needs to be uninstalled. The network operator can then issue the uninstall command, which will be remotely received by the wireless device upon boot-up and communication with the wireless network without any end-user interaction.

As stated in the office action, Criss does not teach receiving a recall command including a unique application identification. Further, Salgado does not teach or suggest either 1) a recall command, 2) a unique application identification, or 3) wherein the uninstalling of said targeted application results in the application no longer functioning. Salgado teaches upgrading printer drivers on a computer. This process is only initiated at the computer, and thus is not a recall command. There is nothing in Salgado which teaches or suggests the ability of a third party such as a network operator to send a command to the computer to recall the print driver. Thus, no database is searched to find a subset of devices having the driver installed, as required by the claims. What Salgado is teaching is an update request by the computer itself, not a recall command by the network operator or application developer.

Further, Salgado also does not teach a unique application identification. Even in the cited paragraph [0024] of Salgado, drivers are queried and then compared to determine which drive is the most recent version. Thus, Salgado must examine each application/driver before determining whether to perform the upgrade. In the present claims, a unique application identification is used to determine which devices have the application that is to be recalled, and issue a recall

command to those devices for that particular application. No further examination of the application is required at the device level.

Finally, the claims have been amended to clarify the present invention goes beyond merely upgrading an application. Each independent claim is amended herein to require the uninstalling of said targeted application resulting in the application no longer functioning. This is to clarify that the present invention is about recalling applications, not simply updating or replacing applications. Support for this amendment is found in paragraph [0080] of the published application. In Salgado, the application/driver is simply upgraded/replaced, so that the driver continues to function. Only the present application teaches removing or disabling the target application with any replacement. To read the claim on an upgrade of an application would be to disregard the term “recall” in the claims.

In view of the foregoing distinctions, Applicants respectfully submit that independent Claims 4, 10, and 25 are patentably distinguished over the cited art. Applicants respectfully submit that Claims 4, 10, and 25 are in condition for allowance, and Applicants respectfully request allowance of Claims 4, 10, and 25.

Claims 5-6, 9, 11, and 20-22 depend either directly or indirectly from one of the independent claims. Each dependent claim further defines the independent claim from which it depends. In view of the foregoing remarks regarding Claims 4, 10, and 25, Applicants respectfully submit that Claims 5-6, 9, 11, and 20-22 are likewise in condition for allowance. Applicants respectfully request allowance of dependent Claims 5-6, 9, 11, and 20-22.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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